

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

R. WAYNE JOHNSON,

Plaintiff,

v.

DEPARTMENT OF VETERAN AFFAIRS,

Defendant.

<input checked="checked" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
SEP 27 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

3:19-cv-00395-MMD-CBC

**ORDER**

**I. DISCUSSION**

Plaintiff, who is an inmate in the custody of the Texas Department of Criminal Justice, has submitted a complaint for writ of mandamus. (ECF No. 1-1). Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*.

**II. CONCLUSION**

For the foregoing reasons, **IT IS ORDERED** that the Clerk of the Court **SHALL SEND** Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

**IT IS FURTHER ORDERED** that within **thirty (30) days** from the date of this order, Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on

1 the correct form with complete financial attachments in compliance with 28 U.S.C. §  
2 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
3 fee and the \$50 administrative fee).

4 **IT IS FURTHER ORDERED** that if Plaintiff does not timely comply with this order,  
5 the court will enter a report and recommendation to dismiss this action.

6 **IT IS FURTHER ORDERED** that the Clerk of the Court shall retain the complaint  
7 (ECF No. 1-1), but shall not file it at this time.

8 DATED: 9/27/2019

9  
10   
11 UNITED STATES MAGISTRATE JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28